IN THE HIGH COURT OF JUDICATURE AT CHHATTISGARH: BILASPUR

WRIT PETITION NO 668 /2001

PETITIONER:

Kamdas Mandal Ratre,
S/o Late Shri Bhagchand Mandal
Ratre, aged about 46 years
Cashier Incharge,
Punjab National Bank
Achanak Mar- Bilaspur-495113

Versus

RESPONDENTS:

1. The Punjab National Bank
Through: Its Zonal Manager,
Jawahar Bhawan, Roshanpura, Naka
Bhopal (M.P)

2. Punjab National Bank
Through: Its Regional Manager
Medical College Road,
Kachari Chowk, Raipur, Chhattisgarh.

3. The Branch Manager,
Punjab National Bank
Achanakmar Branch
Via Kota, Distt. Bilaspur.

PETITIONER UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(50)

आदेश पत्रक

मामला क्रमांक WP 668/01 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	4.12.2001 :	

Shri P.S.Koshi learned counsel for the petitioner.

In spite of registered notices issued to the respondents in the month of May,2001,none represents them till today.

The reliefs sought for in this petition are that the petitioner should be re-instated on the post which he was holding when the order of suspension was issued and that he is entitled to all back wages and other service benefits including normal annual increments and pay revisions etc.

The petitioner joined the service as clerk on 29.12.83. Subsequently, the petitioner was promoted as Teller. While serving as Teller,consequent to certain complaint lodged on the allegation of some discrepancy / shortage of cash in the bank, the writ petitioner and two others were placed under suspension with effect from 22.1.87. After the investigation was over, charge-sheet was submitted and the writ petitioner was tried by the Judicial Magistrate First Class,Raipur. The petitioner was found guilty and he was convicted by order dated 20.4.99. Subsequently, by order dated 5.7.99 the petitioner was dismissed from service on the ground that he had been convicted by the Criminal Court. Being aggrieved,the petitioner preferred an appeal before the District and Sessions Judge,Raipur. By order dated 25,10,99 the appeal

preferred by the writ petitioner was allowed and the petitioner was acquitted honourably. The said order of acquittal has not been challenged by the respondents. Thereafter, the writ petitioner submitted a representation for his re-instatement. By order dated 10.4.2000 the petitioner was re-instated but it was done in the capacity of Cashier. Shri Koshi submits that the petitioner ought to have been re-instated as Teller inasmuch as Cashier is slightly lower in status than Teller.

As recorded above, none represents the respondents.

I have perused the relevant documents placed on record with the help of Shri P.S.Koshi and I have also heard the submissions made by Shri Koshi.

In view of the fact that the petitioner has been re-instated and that too after he was acquitted honourably by the learned District and Sessions Judge,Raipur, in my opinion, he should have been re-instated in the said status and capacity as that of Teller and also pay and allowances which the petitioner was drawing at the time of suspension ought to have been allowed to him on re-instatement. Further I am of the view that since the petitioner was acquitted honourably, he would have been entitled to the back wages,normal annual increments and benefit of pay revisions.

In the result, this petition is allowed. The petitioner is entitled to all back wages with effect from the date of suspension till the date of re-instatement. The petitioner also is entitled to

3353—PS/311—1/2001—50,000.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	re-instatement in the status of Teller and in the scale of pay and allowances to which he was entitled at the time of suspension. The petitioner is also entitled to the normal annual increments and so also to the pay revisions which have been brought into force during this period. Certified copy as per rules. **Sd/-** **Chief Justice**	